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Serbia: Documentation required and procedures to be followed by a parent wishing to travel abroad with a minor child in the absence, or without the consent, of the other parent

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The following information was provided during a 17 January 2007 telephone interview with an attaché of the Embassy of the Republic of Serbia in Ottawa. In order to travel abroad with a minor child, the parent needs to include the child's information in his or her own passport or to obtain a separate passport for the child. The consent of the other parent is not necessary in either case. The Web site of the Embassy of the Republic of Serbia in Washington corroborates the fact that only one parent is required to apply for the child's passport or to enter the child into his or her own passport (n.d.). The International Air Transport Association's *Travel Information Manual* indicates the following information regarding travelling with a minor from Serbia:

Minors: (a person is a minor up to and including 14 years of age) travelling on the passport of a parent must be specially named in that parent's (transit) visa. Parents' (transit) visas must name each child and clearly apply to those minors. (Dec. 2006, 395)

The Serbian embassy attaché also explained that if one parent has court-ordered sole custody of the child, he or she can leave the country with the child without the consent of the other parent (17 Jan. 2007). In the case of joint custody, either parent can travel abroad with the child without needing the consent of the other parent, nor do airlines require such consent (Serbia 17 Jan. 2007). If one parent has sole custody and the second parent has only visitation rights, the second parent needs to obtain the written consent of the custodial parent to travel with the child; otherwise, he or she will face prosecution (ibid.). The letter indicating consent of the custodial parent must be certified by a notary and legalized by an apostille from the legal section of the Ministry of Foreign Affairs (ibid.). The attaché explained that an apostille is a stamp that is used under an agreement between countries to demonstrate that a document was certified by a country; the apostille will ensure that the document is then legally recognized by other countries party to the agreement (ibid.).

Foreign Affairs and International Trade Canada's travel report on Serbia and Montenegro states that:

[a]ny adult travelling with children may be required to show evidence of parental/custodial and/or access rights. Foreign and Canadian authorities may also require evidence that the adult has the consent of the parents, legal guardian, and/or the court to travel with the children. (Canada 15 June 2006)

It should be noted that Serbia is a member of the Hague Conference on Private International Law (HCCH) and a signatory to the Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (HCCH 31 Aug. 2006). This convention is "a multilateral treaty, which seeks to protect children from the harmful effects of abduction and retention across international boundaries by providing a procedure to bring about their prompt return" (ibid. n.d.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Canada. 15 June 2006. Foreign Affairs and International Trade Canada. "Travel Report: Serbia and Montenegro." <<http://www.voyage.gc.ca/dest/report-en.asp?country=195000>> [Accessed 17 Jan. 2007]

Hague Conference on Private International Law (HCCH). 31 August 2006. "Status Table: Convention of 25 October 1980 on the Civil Aspects of International Child Abduction." <http://www.hcch.net/index_en.php?act=conventions.status&cid=24> [Accessed 17 Jan. 2007]

_____. N.d. "The Child Abduction Section." <http://hcch.e-vision.nl/index_en.php?act=text.display&tid=21> [Accessed 18 Jan. 2007]

Serbia. 17 January 2007. Embassy of the Republic of Serbia, Ottawa. Telephone interview with an attaché.

_____. N.d. Embassy of the Republic of Serbia, Washington, DC. "Travel Documents." <http://www.serbiaembusa.org/eng/media/inside.php?subaction=showfull&id=1082664119&archive=&start_from=&ucat=4&show_cat=4> [Accessed 17 Jan. 2007]

Travel Information Manual (TIM). December 2006. "Serbia (Republic of) (RS)." Badhoevedorp, Netherlands: International Air Transport Association (IATA) Netherlands Data Publications.

Additional Sources Consulted

Oral sources: Two Serbian airlines consulted did not provide information within the time constraints of this Response.

Internet sites, including: Aviogenex, Canadian Embassy in Belgrade, Embassy of the Republic of Serbia in Ottawa, Interpol, Jat Airways, Serbian Government, United Nations High Commissioner for Refugees (UNHCR), US Department of State (Bureau of Consular Affairs and Reciprocity Schedule).

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